

Remarks

This Response to Office Action is responsive to the Office Action mailed on February 1, 2005. Entry of this Response and reconsideration of the instant application in view thereof are respectfully requested.

Claims 1-10 are pending. Claims 1-10 are rejected. Claims 1, 4, 6 and 9 have been amended to clarify the invention. Support for these amendments is found on Page 3, line 29.

Claim Rejection under 35 U.S.C. §102 & 103(a)

Claims 1, 4, 6 and 9 are rejected under 35 U.S.C. §102(b) as anticipated by Holy et al. (U.S. Patent No. 5,268,437). Applicants respectfully submit that Holy et al. neither teach nor disclose each and every element of the claimed invention.

Holy et al. disclose a polymer product produced with certain alkyl hydroperoxides, namely t-butyl hydroperoxide (See, claim 6). In the present invention, the composition includes t-alkyl hydroperoxides with a t-alkyl group having at least 5 carbon atoms. The Application teaches that initiators with t-alkyl groups having at least 5 carbon atoms increase the overall efficiency of the initiator system over those with less than 5 carbon atoms (i.e., t-butyl hydroperoxide). Therefore, because the greater efficiency resulting from initiators with more carbon atoms was not disclosed in Holy et al., claims 1, 4, 6 and 9 are not anticipated by Holy et al. and request this rejection be withdrawn.

Claims 2 and 3 are rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Holy et al. For the same reasons above, Applicants respectfully submit that claims 2 and 3 are not anticipated by or, in the alternative, obvious over Holy et al. and request this rejection be withdrawn.

Claims 7 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Holy et al. For the same reasons above, Applicants respectfully submit that claims 7 and 8 are not unpatentable over Holy et al. and request this rejection be withdrawn.

Claims 5 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Holy et al. in view of Jenkins et al. (U.S. Patent No. 5,401,802). Applicants respectfully submit that neither reference nor the combination of references teaches or discloses a polymer having t-alkyl hydroperoxide with the t-alkyl group with at least 5 carbons.

Jenkins et al. disclose water-soluble polymers that are copolymerized with hydrophobic monomers covalently bound to the polymer. (See, Abstract). However, the combination of Holy et al. and Jenkins et al. would, at the most, result in a polymer product having t-butyl hydroperoxide, but not a t-alkyl hydroperoxide with the t-alkyl having at least 5 carbons. Therefore, Applicants request this rejection be withdrawn.

Claims 1, 4, 6 and 9 are rejected under 35 U.S.C. §102(b) as anticipated by Meffert et al. (U.S. Patent No. 6,552,142). Applicants respectfully submit that Meffert et al. neither teach nor disclose each and every element of the claimed invention.

Meffert et al. disclose copolymer dispersions having (a) from 10 to 90% by weight of a nonionic monomer A, (b) from 10 to 90% by weight of a monoethylenically unsaturated hydrophobic monomer, and optionally, (c) from 0.01 to 20% by weight of a water-soluble or water insoluble free-radical initiator or initiators. (See, col. 3, lines 4-19). Although Meffert et al. discloses the use of t-amyl hydroperoxide (col. 6, line 36), a polymer with t-amyl hydroperoxide and greater than 25 to 100 weight % of an ionic monomer is not disclosed by Meffert et al.

Claims 2 and 3 are rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Meffert et al. For the same reasons above, Applicants respectfully submit claims 2 and 3 are not anticipated by or, in the alternative, obvious over Meffert et al. and request this rejection be withdrawn. Additionally, there is no motivation to combine selected initiators of the present invention with high levels of ionic monomer.

Claims 7 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Meffert et al. For the same reasons above, Applicants respectfully submit claims 7 and 8 are not unpatentable over Meffert et al.

Claims 1-4 are rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Swarup et al. (U.S. Patent No. 5,703,155). Applicants respectfully submit that Swarup et al. neither teach nor disclose a polymer with greater than 25 to 100 weight % of an ionic monomer.

Swarup et al. disclose waterborne coating compositions with at least one ethylenically unsaturated unsubstituted or hydroxyl functional aliphatic or aromatic monomer, an ethylenically unsaturated monomer having one acid functional group, and

an ethylenically unsaturated Oligomeric monomer derived from a hydroxyl functional acid. (See, claim 1). However, Swarup et al. do not disclose a polymer with greater than 25 to 100 weight % of an ionic monomer. Thus, Applicants respectfully submit that claims 1-4 are not anticipated by or, in the alternative, obvious over Swarup et al. and request this rejection be withdrawn.

Claims 1, 4, 6 and 9 are rejected under 35 U.S.C. §102(b) as anticipated by Kirk et al. (U.S. Patent No. 5,597,509). Applicants respectfully submit that Kirk et al. neither teach nor disclose all of the elements of the invention.

Kirk et al. disclose a polymer product produced with certain alkyl hydroperoxides, namely t-butyl hydroperoxide. (See, col. 6, lines 60-67). In the present invention, the composition includes t-alkyl hydroperoxides with a t-alkyl group having at least 5 carbon atoms. The Application teaches that initiators with t-alkyl groups having at least 5 carbon atoms increase the overall efficiency of the initiator system over those with less than 5 carbon atoms (i.e., t-butyl hydroperoxide). Therefore, because the greater efficiency resulting from initiators with more carbon atoms was not disclosed in Kirk et al., claims 1, 4, 6 and 9 are not anticipated by Kirk et al. and request this rejection be withdrawn.

Claims 2 and 3 are rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Kirk et al. For the same reasons above, Applicants respectfully submit that claims 2 and 3 are not anticipated by or, in the alternative, obvious over Kirk et al. and request this rejection be withdrawn.

Claims 7 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kirk et al. For the same reasons above, Applicants respectfully submit claims 7 and 8 are not unpatentable over Kirk et al.

Claims 5 and 10 are rejected under 35 U.S.C. §103(a) as unpatentable over Kirk et al. in view of Jenkins et al. Applicants respectfully submit that neither reference nor the combination of references teaches or discloses a polymer having t-alkyl hydroperoxide with the t-alkyl group with at least 5 carbons.

Jenkins et al. disclose water-soluble polymers that are copolymerized with hydrophobic monomers covalently bound to the polymer. (See, Abstract). However, the combination of Kirk et al. and Jenkins et al. would, at the most, result in a polymer

product having t-butyl hydroperoxide, but not a t-alkyl hydroperoxide with the t-alkyl having at least 5 carbons. Therefore, Applicants request this rejection be withdrawn.


Conclusion

In view of the above remarks, Applicants believe that the pending claims are in condition for allowance, and early and favorable action is earnestly solicited.

This Paper is believed to be timely filed and that no additional fees are due. However, if any additional fee is deemed required for consideration of this Response, the Commissioner is hereby authorized to charge such fee to Deposit Account No. 18-1850.

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Date

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